

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

W. HAROLD ALBRITTON, SENIOR U. S. DISTRICT JUDGE, PRESIDING, AT MONTGOMERY, AL

DATE COMMENCED: February 14, 2006 AT: 9:39 a.m.
DATE COMPLETED: February 14, 2006 AT: 10:11 a.m.

UNITED STATES OF AMERICA)
)
vs.) CR. No. 2:05cr131-WHA
)
TINKIEWON LASHUA BERRY)

APPEARANCES:

GOVERNMENT

Todd A. Brown

DEFENDANT

Keith Ausborn

COURT OFFICIALS PRESENT

Jimmy Dickens, Court Reporter
Elna Behrman, Courtroom Deputy

Doug Mathis, USPO
Chris Puckett, Law Clerk

COURTROOM PROCEEDINGS

(X) SENTENCING HEARING

Sentencing commences.

The parties have reviewed the presentence report and have no objections.

The court orally GRANTS the Government's Motion for Reduction in Criminal Offense Level (Doc. #98).

The court takes up the Government's Motion for Downward Departure (#97).

The Government substantiates its facts supporting its Motion for Downward Departure.

Defendant's attorney argues his Motion for Various Relief (Doc. #104) and requests the Defendant be allowed to self-surrender and be designated for Maxwell along with requesting drug abuse treatment.

Government responds to Defendant's motion.

The motion (Doc. #104) is GRANTED in part and DENIED in part. Court will recommend drug abuse treatment but states it is not within the court's discretion to recommend a particular facility to the Bureau of Prisons; court also finds that the Defendant must be detained.

The court orally GRANTS the Government's Motion for Downward Departure (Doc. #97).

Court hears from the Defendant's mother and father.

Sentence is stated.

No objections to sentence.

Sentence is imposed as stated.

Defendant waives his right to appeal.

Defendant is re-committed to the custody of the U. S. Marshal.